

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CORY CALDWELL,

Plaintiff,

9:09-CV-580

-v-

GETTMANN, Corrections Officer, and
WINSTON, Corrections Officer,

Defendants.

APPEARANCES:

CORY CALDWELL, Pro Se
07-A-6900
Upstate Correctional Facility
P.O. Box 2001
Malone, NY 12953

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Attorney for Defendant
The Capitol
Albany, NY 12224

OF COUNSEL:

ADRIENNE J. KERWIN, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff brought this action pursuant to 42 U.S.C. § 1983. On March 2, 2012, the Honorable David E. Peebles, United States Magistrate Judge, advised, by Report-Recommendation, that defendants' motion for summary judgment be granted and plaintiff's complaint be dismissed. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1).

Therefore it is

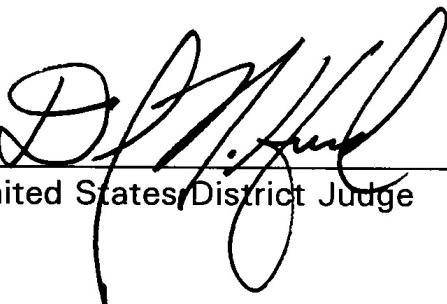
ORDERED that

1. Defendants' motion for summary judgment is GRANTED; and
2. Plaintiff's complaint is DISMISSED.

The Clerk is directed to file a judgment dismissing the complaint and close the file.

IT IS SO ORDERED.

Dated: April 3, 2012
Utica, New York.



United States District Judge